

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ADRIAN JUAN LLOYD,

Plaintiff,

v.

M. GENSEAL, et al.,

Defendants.

Case No.: 1:24-cv-01117-KES-SKO

**ORDER DISCHARGING ORDER TO
SHOW CAUSE**

(Doc. 8)

**ORDER GRANTING APPLICATION TO
PROCEED *IN FORMA PAUPERIS***

(Doc. 5)

Plaintiff Adrian Juan Lloyd is appearing pro se in this civil rights action pursuant to 42 U.S.C. section 1983.

I. BACKGROUND

Plaintiff initiated this action by filing a complaint on September 19, 2024. (Doc. 1.)

On September 30, 2024, the Court directed Plaintiff to submit an application to proceed *in forma pauperis* (IFP) or to pay the filing fee within 45 days. (Doc. 3.) On October 10, 2024, Plaintiff submitted an IFP application. (Doc. 5.)

On October 15, 2024, this Court issued its “Order to Show Cause (OSC) in Writing Why Application to Proceed In Forma Pauperis Should Not Be Denied.” (Doc. 8.) Plaintiff was directed to explain fourteen JPAY entries and six SALES entries appearing on his Inmate Statement Report, or to pay the \$405 filing fee for this action, within 30 days. (*Id.* at 3.)

On November 25, 2024, when more than 30 days elapsed without a response to the OSC,

1 the Court issued “Findings and Recommendations to Dismiss Action for Plaintiff’s Failure to
2 Obey Court Order and Failure to Prosecute.” (Doc. 10.) Later that same date, Plaintiff filed a
3 document titled “In Re Order to Show Cause.” (Doc. 11.)

4 On November 27, 2024, the Court vacated its Findings and Recommendations to dismiss
5 and granted Plaintiff a 15-day extension of time within which to respond to the OSC. (Doc. 12.)
6 On December 13, 2024, Plaintiff filed his response to the OSC. (Doc. 13.)

7 II. DISCUSSION

8 Plaintiff explains that another inmate “placed funds on Plaintiff’s account” and Plaintiff
9 “went to the commissary for that inmate.” (Doc. 13.) Plaintiff states he attempted to obtain a
10 declaration from the inmate explaining the matter, but the inmate denied his requests. (*Id.* at 1.)
11 Plaintiff states “if this Court checks [his] account from 2022 until February 2024 this Court will
12 not see any deposits to Plaintiff’s account.” (*Id.* at 1-2, emphasis in original.) Plaintiff “declares
13 under the penalty of perjury that none of the JPAYs were sent by his family, friends, or
14 associates.” (*Id.* at 2, emphasis in original.) Plaintiff further states that the inmate who transferred
15 funds to Plaintiff’s account did so to “acquire extra commissary,” and apologizes to the Court
16 “for wasting [its] time.” (*Id.*)

17 The Court accepts Plaintiff’s statements explaining the JPAY and SALES entries on his
18 Inmate Statement Report submitted in support of his application to proceed IFP.

19 III. CONCLUSION AND ORDER

20 Accordingly, the Court **HEREBY ORDERS:**

- 21 1. The OSC issued October 15, 2024 (Doc. 8) is **DISCHARGED**;
- 22 2. Plaintiff’s application to proceed IFP (Doc. 5) is **GRANTED**; and
- 23 3. The Clerk of the Court is **DIRECTED** to issue the appropriate order to facilitate
24 payment of the \$350.00 filing fee for this action from Plaintiff’s inmate trust account.

25 IT IS SO ORDERED.

26 Dated: **January 3, 2025**

27 /s/ Sheila K. Oberto
28 UNITED STATES MAGISTRATE JUDGE